

MAY. 2. 2006 9:39AM

BMS PATENT DEPT

NO. 2138 P. 1



Bristol-Myers Squibb Company

Worldwide Medicines Group
P.O. Box 4000 Princeton, NJ 08543-4000

DATE: May 2, 2006

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FROM: Eve Frank, Ph.D.
FAX #: (609) 252-4526
PHONE #: (609) 252-5719
RE: U.S. Appln. Serial No.: 10/645,190
Attorney Docket No. D0299 NP

Comments: Please see attached:

- 1) Response to Restriction Requirement

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May 2, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1635

WANG, ET AL

EXAMINER: MCGARRY, SEAN

APPLICATION NO: 10/645,190

FILED: 08/21/2003

FOR: METHODS OF REDUCING ISCHEMIC INJURY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In reply to the Office Action dated April 17, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, claims 1-10, 25 and 26 "drawn to a method of reducing ischemic injury via the administration of a MK2 inhibitor" classified in class 514 and subclass 44. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more continuation applications to the non-elected subject matter.

Applicants traverse the Restriction Requirement because examining all of the pending claims presents no undue burden on the Examiner. According to MPEP § 803, "if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions."

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If the Examiner wishes to discuss this reply or any aspect of this case, he is invited to contact the undersigned attorney.

No fee is believed to be due for this response. However, should any fee(s) be deemed to be required in this application, the Commissioner is hereby authorized to charge any such fee(s), or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000



Eve Frank, Ph.D.
Attorney for Applicant
Reg. No. 46,785
Phone: 609-252-5719
Date: May 2, 2006